REMARKS

In the Office Action mailed November 13, 2007, the Examiner noted that claims 1-18 were pending in the application; objected to claims 15-18; rejected claim 1 under 35 U.S.C. § 102; and rejected claims 2-18 under 35 U.S.C. § 103(a). In rejecting the claims, Sundqvist et al. (WO 02/21797 A1), Pan et al. (US 6,760,306) and Dinker et al. (US 7,024,483) were cited. Claims 1, 2 and 15-18 have been canceled and claims 19-20 have been added. The rejections are traversed below.

Objections to Claims 15-18

Claims 15-18 have been canceled and therefore, the objections to claims 15-18 are moot.

Rejections under 35 U.S.C. § 102

In items 11, 12, 33 and 34 on pages 4, 5, 12 and 13 of the November 13, 2007 Office Action, claim 1 was rejected under 35 U.S.C. § 102(a) and 35 U.S.C. § 102(e) as anticipated by Sundqvist et al. and Pan et al., respectively. Claim 1 has been canceled and therefore, these rejections are moot.

Rejections under 35 U.S.C. § 103(a)

In items 14-30 on pages 5-12 of the November 13, 2007 Office Action, claims 2-7 and 9-18 were rejected under 35 U.S.C. § 103(a) as unpatentable over Sundqvist et al. and Dinker et al.; In items 31 and 32 on pages 12 and 13 of the November 13, 2007 Office Action, claim 8 was rejected under 35 U.S.C. § 103(a) as unpatentable over Sundqvist et al. and Pan et al. (although it appears that the Examiner intended to reject claim 8 as unpatentable over Sundqvist et al., Dinker et al. and Pan et al.) and in items 35-48 on pages 14-19 of the November 13, 2007 Office Action, claims 2-14 were rejected under 35 U.S.C. § 103(a) as unpatentable over Pan et al. and Dinker et al. Claim 2 has been canceled and claims 3-14 have been amended to depend from new claim 19. Therefore, the rejections under 35 U.S.C. § 103(a) are moot and the distinctions between the remaining claims and the cited art will be discussed below.

New Claims

Assuming that the Examiner intended to reject claim 8 as unpatentable over Sundqvist et al., Dinker et al. and Pan et al., all of the rejections (except the rejections of claim 1 which has been canceled) in the November 13, 2007 Office Action relied on the Abstract and column 7,

lines 7-30 of <u>Dinker et al.</u> as allegedly disclosing "temporarily entering a static resource reservation mode in the resource manager in response to the receipt of the topology change information" as previously recited in claim 2. The last 3 lines of new independent claim 19 recites "temporarily entering into a static resource reservation mode in the resource manager when an inconsistency phase is detected in the topology change information by the resource manager." As discussed in the October 10, 2007 Amendment, <u>Dinker et al.</u> only deals with topology management tracking changes in topology as described at column 2, lines 29-31, and does not deal with the problem of resource management for applications in case of topology changes of a network.

The only response to the argument at the end of the preceding paragraph was in item 6 (part of the Response to Arguments on pages 2-3 of the November 13, 2007 Office Action) which merely cited *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981) and *In re Merck & co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986) as holding that "one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references." This appears to be an admission by the Examiner that the prior art does not disclose the limitations previously recited in claim 2 and now recited on the last 3 lines of claim 19. Since <u>Dinker et al.</u> was the only reference that allegedly disclosed this feature, the lack of teaching of this feature by <u>Dinker et al.</u> means that the combination of <u>Sundqvist et al.</u>, <u>Dinker et al.</u> and <u>Pan et al.</u> fails to teach or suggest this feature. Nothing in the November 13, 2007 Office Action refuted this argument.

To elaborate on the point made in the preceding paragraph, the November 13, 2007 Office Action acknowledged that neither of <u>Sundqvist et al.</u> and <u>Pan et al.</u> "disclose temporarily entering a static resource reservation mode in the resource manager in response to the receipt of the topology change information" (Office Action, pages 5 and 14, last 3 lines). Thus, in the combinations of <u>Sundqvist et al.</u> and <u>Dinker et al.</u>; and <u>Pan et al.</u> and <u>Dinker et al.</u>, the feature of "temporarily entering into a static resource reservation mode in the resource manager when an inconsistency phase is detected in the topology change information by the resource manager" (claim 19, last 3 lines) must be taught or suggested by <u>Dinker et al.</u>, taken alone or by some combination with <u>Sundqvist et al.</u> and <u>Pan et al.</u> that is not hinted at in the November 13, 2007 Office Action, otherwise it is not disclosed by the prior art. Nothing in the November 13, 2007 Office Action disputed the statement in the October 10, 2007 Amendment that <u>Dinker et al.</u> fails to teach or suggest the limitation previously recited in claim 2.

Further to the comments in the October 10, 2007 Amendment which were repeated above, column 2 lines 29-31 of <u>Dinker et al.</u> refers to an embodiment in which "topology management ensures that the dynamic cluster forms a topology tracking a specified topology arrangement." However, nothing has been cited or found in <u>Dinker et al.</u> that teaches or suggests how to deal with the problem of resource management for existing connections or requested connections in case of topology inconsistencies. Specifically, <u>Dinker et al.</u> does not mention what to do if the actual stored topology differs from the real topology, or as recited in claim 19, what to do "when an inconsistency phase is detected in the topology change informa-tion" (claim 19, line 9). <u>Dinker et al.</u> describes static connections between nodes of a cluster that change relatively slowly, whereas the method recited in claim 19 can be applied to dynamic connections over a network between terminals, as discussed in the specification of the application under examination.

The Response to Arguments section of the November 13, 2007 Office Action, asserted that the Abstract and column 7, lines 7-30 of <u>Dinker et al.</u> "discloses a 'transient mode', which is … a period … a node may enter and follow a static topology when it receives a topology change (a node request to join the current topology) from the network and returns to its original state when the joining process has been completed" (Office Action, page 3, lines 3-6). Specifically, what is described in <u>Dinker et al.</u> is that

> node 201 … transition[s] to transient state 410D when it receives a request from another node to join the cluster …[and] verif[ies] that the requesting node is the correct node for it to be connected to ... If the [requesting] node is not connecting in the correct order (according to the static topology and current cluster member-ship), then the node receiving the request may reject the request

(column 7, lines 8-23). Thus, the decision made in the "transient state" is whether the "topology manager" (e.g., column 7, line 3) of a node will accept a connection to another node "according to the static topology." Such a decision by a "topology manager" is not related to a decision made by a "resource manager" (e.g., claim 19, last 2 lines), even a "topology aware resource manager in an IP-telephony system" like that taught by <u>Sundqvist et al.</u>

In contrast to the "transient state" described in <u>Dinker et al.</u> where a node "may reject or ignore subsequent requests while in this state to avoid conflicting requests" (column 7, lines 11-13), the "static resource reservation mode" (claim 19, line 8) is defined in the specification as a mode in which "the transmission resources are reserved preferably in accordance with a method independent of the reservation of the transmission resources or of dynamic changes to the topology image or the topology data" (see the last sentence of paragraph [0010] of the Substitute Specification). The closest term that has been found outside the application under

examination is a "static resource reservation model" in S. Hinrichs, "Connection resource management for compiler-generated communication", Concurrency: Practice and Experience, vol. 9, no. 2, 1998, pp. 85-112, which is described as an alternative "[f]or regular, repeating communication patterns" to "[t]he standard message passing model [that] dynamically reserves communication resources for each message." Thus, the term "static resource reservation mode" appears to be consistent with usage in the art as dealing with reservation of resources.

As discussed above, the "transient state" described in Dinker et al. is not related to reservation of resources and it is submitted that nothing has been cited in any prior art reference that would provide a suggestion to one of ordinary skill in the art to modify the resource manager taught by either Sundqvist et al. or Pan et al. to include a "static resource reservation mode" in which resources are reserved, as opposed to a "transient state" as described in Dinker et al. in which connection requests are ignored. The November 13, 2007 Office Action cited column 13, lines 5-10 of Dinker et al. as allegedly supporting modification of Sundqvist et al. and Pan et al. However, this portion of Dinker et al. merely states

> node 201 in transient state 410D may reject or may ignore any subsequent
> topology_connect_request message 420A while in that state to prevent
> competing requests from conflicting or complicating the determination of which
> requesting node may become node 201's previous node in the topology.

As discussed above with respect to the cited portion of column 7 in Dinker et al., it is not seen how this statement in column 11 of Dinker et al. would suggest modification of a resource manager as taught by Sundqvist et al. or Pan et al. to one of ordinary skill in the art.

For the above reasons, it is submitted that claim 19 patentably distinguishes over any combination of the teachings of Sundqvist et al., Dinker et al. and Pan et al. that would be obvious to one of ordinary skill in the art of resource management in a communication system. As claims 3-14 and 20 depend from claim 19, claims 3-14 and 20 distinguish over the cited art for at least the reasons discussed above with respect to claim 19.

Summary

It is submitted that the references cited by the Examiner do not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 3-14 and 19-20 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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